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Stoning for Adultery in Christianity and Islam and its Implementation in Contemporary Muslim Societies

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Abstract: This paper examines the scriptural bases of stoning for adultery in the two sister religions and its implementation in contemporary Muslim societies. Based upon archival and documentary research, this study found that stoning to death for adultery is prescribed in both the Bible and the Qur'ān. Christians, however, have abandoned this law and it is no longer practiced in any Christian-dominant country. With the expansion of Western imperialism, the same trend seems to be taking place in Muslim societies. There are a few Muslim countries that are trying to implement this law but they face a good deal of criticism from the Western media and other secular organizations, consequently, shying away from implementing this punishment in public.

Keywords*:* stoning for adultery, Qur'ān, Bible, Sharī'ah, Muslim societies

Stoning is a form of capital punishment which applies specifically to cases of adultery. In this form of punishment, the convicted person is put to death by throwing stones, usually by a crowd. This practice was seen in some cultures as allowing the larger community to take part in the administration of justice. Stoning has been used since ancient times to punish the convicted. Subsequently, this practice has been criticised as "cruel" and "inhuman." Some countries, therefore, have abandoned this method replacing it with either life imprisonment, hanging or decapitation.

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Stoning to death is one of the prescribed punishments in Islam. It is included in *ḥudūd* (the plural form of *ḥadd* meaning restraint, obstruction, hindrance or prohibition) crimes for which there are fixed punishment in the Holy Qur'ān and Sunnah. The punishment in *ḥudūd* is not subject to any amendment, alteration or substitution. Stoning as a capital punishment, however, is not unique to Islam. Christianity, among other religions, also provided for this type of capital punishment. However, it is no longer in practice. For Muslims, this divine prescription remains intact, but the interpretations and implementations seem to differ. This paper first discusses the divine prescription for adultery in the Christian scripture followed by similar discussion from the perspective of Islam. The final part looks at its implementation in Muslim countries in the 21st century. The dearth of writings on this subject provides ample justification for a study of this kind.

Stoning for Adultery According to Christianity

The Old Testament (King James Version) prescribed death punishment by stoning for several crimes (Jacobs, 1964) including stealing (Joshua, 7:20-26), Sabbath breaking (Numbers, 15:32-36), preaching or practicing a different religion, blasphemy (Lev, 24:10-16), cursing God and the king (Kings, 21:1-16), being a medium or a wizard (Levi, 20:27), being a stubborn or rebellious son (Deut, 21:18-21), and other major crimes· Stoning was one of the primary methods of capital punishment in the Old Testament.

The basis for punishment of stoning specifically for adultery is clearly provided in Leviticus (20:10-12) which reads: "If a man commits adultery with another man's wife, even with the wife of his neighbour, both the adulterer and adulteress must be put to death…." Further, in Deuteronomy (22:22-24), it is stated that, "If a man happens to meet in a town a virgin pledged to be married and he sleeps with her, you should take both of them to the gate of that town and stone them to death."

Most Christians do not regard the penalty of stoning as a religious teaching. Some Christians argue that the law of stoning has been abolished by acts of Jesus (John, 8:1-11). However, according to Metzger (1994), a prominent Biblical scholar, this entire section,

John 7:53-8:11, traditionally known as the *pericope adulterae*, is not contained in the earliest and best manuscript and was almost certainly not an original part of the Gospel of John. Among modern commentators and textual critics, it is a foregone conclusion that the section is not original but represents a later addition to the text of the Gospel. Metzger summarises: "The evidence for the non-Johannine origin of the periscope of the adulteress is overwhelming" (p.187).

This fabrication is also confirmed by Westcott and Hort (1998). According to them, the section on the woman taken in adultery (John, 7:53-8:11) requires an exceptional treatment. No interpolation is more clearly Western, though it is not Western of the earliest type. It was expunged by the Armenians, and not the slightest allusion to it has yet been discovered in the whole Greek theology before the 12th century. It is absent from the better manuscripts of all the Oriental versions except the Ethiopic, and apparently also from the earliest form of the Old Latin versions. Westcott and Hort (1998) maintain that "It has no right to a place in the text of the Four Gospels: yet it is evidently from an ancient source, and it could not now without serious loss be entirely banished from the New Testament" (pp.299-300).

Another significant reason why Christians do not implement this particular law is the issue of how to deal with the teachings and the law of the Old Testament. According to Paul, not following the law of the Old Testament is compensated by having faith in Jesus. This can be understood by looking at Paul's statement based on what he claimed to be revelation from Jesus (Dunn, 1993, pp.51-131), where the Christians are no longer to keep the law of the Old Testament. Paul's statement reads:

> A man is not justified by observing the law, but by faith in Jesus Christ. So we too, have put our faith in Christ Jesus in order that we might be justified by faith in Christ and not by observing the law, because by observing the law no-one will be justified (Galatians, 2:15-16).

Stoning for Adultery in Islam

There is no disagreement among the jurists of the four leading schools that the punishment of flogging for *zinā* (adultery) prescribed

in the Qur'ān applies to unmarried men and women who are referred to as *ghayr muḥṣan*. According to them, the punishment of stoning to death is only applicable for a married *zinā* offender (*muḥṣan*). The distinction between *muḥṣan* and *ghayr muḥṣan* expressed in English as adulterer and fornicator is based on the fact that a married person has no reason to commit *zinā* since he or she can enjoy lawful sexual relations with his or her spouse. This opportunity is not available to the unmarried; consequently the punishment of the unmarried should be lighter than that of the married (El-Awa, 1982, p.19). Another justification for stoning the *muḥṣan* is the fact that *zinā* is considered as one of the major sins and a very serious crime causing corruption of lineage which is almost similar to the destruction of mankind. That is why adultery committed by a *muḥṣan* is regarded as tantamount to committing murder. As the punishment for murder is that the life of the murderer should be taken to save others, a married adulterer should undergo the same punishment.

The legitimacy of stoning to death is based on the sayings of the Prophet (SAW) as well as his practices. Among the reported sayings are as follow:

1. On the authority of Abū Hurayrah, a Bedouin man came to the Prophet complaining to him about his son who committed *zinā* with his employer's wife. He said: "O Prophet of Allah, in the name of Allah, I want you to pass the judgment from Allah's book. My son committed adultery with his employer's wife, and I was told that the penalty for my son is *al-rajm*. Hence, I want to preempt his offence with 100 sheep and a slave. After asking some of your knowledgeable companions they told me that the penalty for my son is 100 flogging and one year deportation and for the woman is *al-rajm*. The Prophet told him that he judged based on the Book of Allah. The sheep and slave girl is returned to you. And your son deserves 100 lashes and one year deportation. And about the woman, the Prophet ordered a companion called Unays to investigate the matter, if she confesses, then stone her to death" (Muslim, 10:1034).

2. On the authority of 'Ubādah ibn al-Ṣāmit, the Prophet said: "Take from me, take from me as Allah has revealed to me

the penalty for the adulteresses; for the unmarried is 100 lashes and for the married is *al-rajm*" (Muslim, 10:1025).

3. On the authority of Ibn Mas'ūd, the Prophet said: "a Muslim should not be killed (his blood is protected) except for three offences: adultery committed by a married person, a murder and apostasy (Al-Bukhārī, 81:20171).

4. The *Jumhūr* (majority of jurists) also based their position on a report that a Qur'ānic verse was revealed prescribing this punishment "The old married man and woman who commit adultery, stone them to death as a deterrence from Allah, and Allah is Most Powerful, Most Wise"(Al-Ṭabarī, 1992). The text of this verse is believed to be abrogated but its verdict continued to be applied (Al-Bukhārī, 10:1038). There was also a reported occasion of 'Umar where he stated while delivering a sermon, "Indeed Allah sent Muhammad (SAW) with the truth and revealed a book to him. Among the revealed verses was the verse prescribing *al-rajm*. We used to read and understand them very well, and the Prophet implemented the punishment as we are doing the same. I am afraid that one day someone will say: 'We don't find the verse in the Qur'ān and abandon the punishment.' Actually such punishment is valid for anybody who commits such a crime, male or female who are married when convicted." (Al-Bukhārī, 10:1038).

There are other ḥadīth confirming the execution of *rajm*. It is reported that four cases of stoning to death took place during the time of the Prophet (SAW). Firstly, the case of two Jews convicted of adultery. It is unclear whether the Prophet (SAW) ordered the sentencing based on the Old Testament or Islamic law (Abū Zahrah, 1958). However, in the other three cases (ḥadīth al-Asīf, Mā'iz, and a woman of Ghāmidiyyah), it is clear that there was no reason to apply the Jewish law since all were Muslims.

The penalty of stoning to death is clearly prescribed in Muslim's *al-Saḥīḥ*, and also recorded by the authors of the *Sunan* such as Abū Dāwūd (11:3836), Ibn Mājah (7:2544), al-Nasā'ī (45:1931), al-Tirmidhī (5:1348), and Bayhaqī (8:228) as well as Ahmad in his

Musnad (31:15004). All reports are that the Prophet received the revelation and then told his companions that a new piece of legislation had been revealed to him, namely, a married male or female should be given one hundred lashes and then stoned to death, while an unmarried male or female should be given one hundred lashes and then banished for one year. Thus, based on this ḥadīth, Muslim jurists unanimously agree on implementing the punishment of stoning for the married offender. This is also the *ijmā',* i.e., consensus of the *ummah*. The Prophet, in turn, confirms that the *ummah* will never agree upon fault (Ibn 'Āshūr, 1984). However, jurists disagree on flogging the married culprit and on the one-year banishment of those who are unmarried (Ibn Ḥazm, 1987). This disagreement is based on the fact that when the Prophet ordered the punishment of stoning to be carried out, he did not order the flogging to precede it, nor did he order banishment with the flogging except in one case in which banishment is claimed to have been based on the public interest (Ibn Qudāmah, 1223/1984). This disagreement, however, does not affect the main point on which there is complete agreement on stoning the married offender.

The Prophet (SAW) exercised extreme caution in passing the death penalty by stoning. He said to the person who reported the case of adultery, "If you leave him with his private offence, it is better" (Al-Bukhārī, 22:6633; Muslim, 9:3202). As for those who had to undergo the penalty after their voluntary confession, the Prophet (SAW) gave them the chance to leave, to change their mind and repent. In the case of *Ghāmidiyyah*, first, he asked her to come back after she gave birth. The second time, he asked her to go home to nurse the child, and only after the third time when she was still adamant, the execution took place.

Other Opinions

The mainstream view of the Muslim majority notwithstanding, there exists a small minority, mostly Kharijites and Mu'tazilites, who believe that the penalty for *zinā,* irrespective of the marital status of the person, is 100 lashes. They support their arguments as follows:

1. The Qur'ānic verse 2 of *Sūrat al-Nūr,* prescribing 100 lashes for *zinā* makes no difference between the married and

unmarried adulterer. As for the ḥadīth, they are in the form of solitary (*Āḥād*) ḥadīth, and that there is inconsistency and conflict in the contents of these ḥadīth (Ibn Qudāmah, 1984). Only the *mutawātir ḥadīth*, as against *āḥād,* inspires definite conviction and precludes the possibility of lying and doubt in the transmission of ḥadīth. Stoning is the most severe punishment; therefore, it should be proven by decisive evidence which is either the Qur'ān or the *mutawātir* ḥadīth.

The claim of *Āḥād* ḥadīth which do reach the level of *mutawātir* has been nullified by "stoning to death" cases of Mā'iz and Ghāmidiyyah. These were reported by the majority of the companions, available in all authentic ḥadīth books with details of the chain of the narration from different companions who themselves were present at the scene. These chains support each other leaving no room for fraud and doubt.

2. The Qur'ānic verse 25 of *Sūrat al-Nisā'* permits marrying a slave woman and prescribes punishment for the slave wife who commits adultery as half those of the free women. Muslim jurists are unanimous that the *ḥadd* penalty of *zinā* committed by a married slave woman is 50 lashes and no more. It is argued that only flogging can be halved and not stoning. As such, it can be concluded that flogging is confirmed to be the only Qur'ānic punishment in all cases of *zinā* (al-Zayla'ī, 1992; Abū Zahrah, 1958; Manṣūr, 1976; Kamali, 2000).

The majority have responded that these people have erred in interpreting the cited Qur'ānic verse which carries the word "*uḥṣinna*" at the beginning of the verse, the root word, meaning marriage, but the word "*al-Muḥṣanāt*" in the subsequent portion which comes from the same root word, means freedom and virginity instead of marriage (Mansur, 1976, p.172). This verse, therefore, cannot be interpreted to standardise the penalty for a convicted fornicator irrespective of his/her marital status.

3. It has also been argued that the Qur'ān perhaps prescribed stoning as a punishment but abrogated it afterwards. This is the assumption that the reported instances of *rajm* actually took place prior to the revelation of the Qur'ānic verse (24:2)

which prescribes the punishment of flogging. No such punishments were carried out after the revelation of the above verse, which means that the Qur'ānic provision on flogging *ḥadd* in fact abrogated *rajm*.

It has been pointed out by many scholars that the above argument has no basis whatsoever. It is hard to imagine that this punishment could have been abrogated without any knowledge of it on the part of any of the companions. Such a supposition might obviously lead to a claim of abrogation of every rule of Islamic law (El-Awa, 1982). It has also been pointed out that the execution of the woman of Ghāmidiyyah who confessed to committing *zinā* and insisted on *rajm* punishment to purify herself and the execution of a similar stoning punishment for Mā'iz were witnessed by large number of the companions which reach the level of *Mutawātir*. Finally, it must be pointed out that Abū Hurayrah witnessed the stoning punishment. Abū Hurayrah became a Muslim in the 7th year of the Hijrah after the revelation of the Qur'ānic verse (24:2). According to Ibn 'Ashūr, there is no doubt that the Sunnah confirming *al-rajm* took place after the revelation of *Sūrat al-Nūr* (Ibn 'Āshūr, 1984).

4. It is also argued that the Prophet (SAW) borrowed the *rajm* punishment from the Jews as there was no revelation concerning the offence in the Qur'ān.

In response, Muslim jurists point to the fact that the Jewish and Islamic laws have the same source and hence it is not unusual to find many rules to be similar. According to Abū Zahrah (1958), *rajm* was initially introduced in the Torah and was applied by the Jews while the Bible does not overrule it; and since the Old Testament was also valid for the Christians, they too applied it. There is an indication that the Jews of Madīnah were governed by their own scripture as stated in the Qur'ān: "But how is it that they come to you for judgement while they have the Torah, in which is the judgement of Allah then they turn away, [even] after that; but those are not [in fact] believers" (5:43). This verse, according to the commentators, was revealed when one of the leading Jewish figures residing in Madīnah had committed *zinā* and the Jewish community was distressed with the prospect of their leader being stoned in accordance with the Torah. So they came to the Prophet with the

hope of securing a lighter punishment for the accused. However, the Prophet (SAW) judged them according the provision in the Torah.

Reconsideration of the Provision and Implementation

Rev. Professor William Montgomery Watt suggests that Muslims need help in reaching a fresh understanding of the Qur'ān as God's word. According to Watt,

> …the Qur'ān came to Muhammad in a period of less than 25 years, whereas from Moses to Paul is about 1300 years. Christians could perhaps show from the Bible that there is a development in God's relation to the human race. For example, Moses was told to order the death penalty by stoning for anyone who broke the Sabbath by gathering firewood on it. Joshua was told to exterminate the whole population of various towns, men, women and children. Could the loving God have given such barbaric and bloodthirsty orders? To say 'No', as one would like to do, throws doubt on the inspiration of the Bible. We seem to have to say that the precise commands which God gives to believers depend on the form of society in which they are living (Maan & McIntosh, 2000).

Watt believed that Muhammad like the earlier prophets had genuine religious experiences; that he received something directly from God and that the Qur'ān came from God. However, he finds it difficult to believe that either the Bible or the Qur'ān is infallibly true in the sense that all their commands are valid for all time. He believed that the commands given in both books were true and valid for the societies to which the revelations were primarily addressed; but when the form of the society changes in some important respects, some commands cease to be appropriate while others continue to be valid (Maan & McIntosh, 2000).

Watt was also asked about the accusation by some Western scholars that Islamic Sharī'ah is cruel. He answered "Well similar punishments are found in the Old Testament including for example the cutting off of woman's hands in Deuteronomy 25. In Islamic teaching, such penalties may have been suitable for the age in which Muhammad lived. However, as societies have since progressed and become more peaceful and ordered, they are not suitable any longer."

He suggested eschewing demonisation of each other and insisted on beginning a dialogue to discern not just the meaning of the Holy Scriptures, but also the relevance of God in contemporary times (Maan & McIntosh, 2000).

Another important point that has to be emphasised is that the responsibility of implementing the law is not that of individuals. The implementation must be by the authorities. It appears that in the case of Jesus, he is not the authority; Jerusalem was under the Roman Empire, and even the Jews themselves did not implement all the teachings of the Old Testament. In the case of the Prophet Muhammad (SAW), he was the authority in the sense that he was not only a Prophet but also a ruler. Being a ruler one is given the prerogative to pass judgement, to introduce policies, and to implement all the divine teaching without hesitation.

There is a certain element of exaggeration in the debate concerning the *ḥadd*, which often regards *ḥadd* as the whole of the Sharī‘ah and the testing ground of Islam. We know of course that Islam stands on five pillars and the *ḥadd* is not one of them. The *ḥadd* like all other punishments, are not the ends and objectives of the law but serve only as its means towards establishing justice. We ought to pay greater attention to protecting and preserving the value structure that the *ḥadd* were designed to defend in the first place, and not, as it were, make *ḥadd* the end and purpose for their own sake.

Islamic law is based on morality and justice. Any moral transgression is seriously condemned by means of severe punishments. Law and morality go hand in hand to prevent the commission of a crime. The philosophy of protecting public morality and to safeguard it against proliferation of immoral behaviour and malpractice is the reason for having an extremely high standard of proof, i.e., the testimony of four reliable adult male witnesses who have actually witnessed the act of sexual intercourse or an offender’s confession.

This moral lesson could also be achieved by giving the widest publicity to the implementation of the punishments in order to deter potential offenders. This can be understood from the rule that all punishments, especially that of adultery, should be carried out in

public as it is ordained in the Qur'ān: "Let a group of the believers witness their punishment" (24:2).

Penalties in Islam aim at controlling the criminal by punishing his action, so that he can feel the severity and the pain of his evil behaviour just as the victim has suffered; to cure the criminal from his inner illness, that he has strayed far from following God's guidance. The sentencing of a *ḥadd* penalty will deter him and prevent him from assaulting others; to preserve and protect the individual and the community as a whole from any negative elements of destruction, corruption, calamity and any sort of social problems. The implementation of the punishment in public would be a great lesson for everybody as the same punishment would be applied to anybody who commits the same crime (al-Khuzaym, 2001).

It is not the purpose of the Sharī'ah to stone people to death, nor to cut off anyone's hand – the main purpose of the Sharī'ah is to stop crimes. Islamic government should make all efforts to solve socio-economic problems. The government must improve the economic situation, job opportunities must be created, means of marriage must be assured besides educating people with moral and religious values. The implementation of Islamic criminal law is meaningless when poverty is overwhelming or religious and moral awareness is absent. The action of 'Umar, the second rightly guided caliph of Islam, to suspend the implementation of Islamic law particularly with regard to theft, i.e., hand amputation despite clear evidence from the Qur'ān and Sunnah shows the importance of having a thorough understanding of Islamic law and its philosophy. His action is regarded to be in accordance with Islamic law. The suspension of Islamic law in this particular case has been classified by some scholars as implementing Islamic law because it is in line with the spirit of the Sharī'ah.

Rajm in the twenty-first century

The Muslim world is divided over the applicability of *rajm* in the contemporary period. A small minority of Muslims believes that the strict application of this punishment is absolutely essential for a state to be considered Islamic. There are those who insist on reforming the society before this punishment is applied. They argue for giving

priority to fighting poverty, eradicating illiteracy and establishing social justice before implementing the *ḥudūd* punishment. Indeed, there are those who consider *rajm* as obsolete and hence advocate deleting it altogether from the penal code.

Clearly *rajm* is not endorsed in all the Muslim countries. Turkey, a member state of the Organisation of the Islamic Conference (OIC), ascribes fully to secularism and hence has no room for Sharī'ah or *ḥudūd*. Egypt, though it bases its jurisprudence on Sharī'ah, has replaced stoning punishment with prison sentences of various durations. As it is, *rajm* is provided for in the criminal codes of Iran, Pakistan, Saudi Arabia, Sudan, the United Arab Emirates, Kelantan and Terengganu (two states in the Federation of Malaysia) and Aceh (a province in Indonesia). Between 2000 and 2002, twelve states of the federation in Northern Nigeria (Bauchi, Borno, Gombe, Jigawa, Kaduna, Kano, Katsina, Kebbi, Niger, Sokoto, Yobe, and Zamfara) introduced Sharī'ah principles in their penal legislation. However, provisions for stoning in the penal codes do not necessarily entail its strict application.

In Malaysia, the Islamic Party of Malaysia (PAS), which controls the Kelantan state government, introduced Kelantan Sharī'ah Criminal Code (II) Bill in 1993 in an attempt to introduce *ḥudūd* laws including the punishment of stoning to death for committing adultery. A similar *ḥudūd* bill was introduced in Terengganu when PAS won the state in the 1999 elections. The drafted bills raised a lot of eye brows and received criticisms from the academics as well as legal practitioners not only on the legal validity of the bill but also on its contents (Ismail, 1995; Kamali, 2000). Legally, *ḥudūd* cannot be enacted in Malaysia which is a federation comprising of 13 states with a strong central government. The *ḥudūd* bill contradicts the provisions in the Federal Constitution which is the highest law of the land. According to Article 4(1), any law that contradicts the constitution or is not in conformity with the federal law shall be null and void. Implementation of *ḥudūd* law requires cooperation from the federal government in amending many provisions of the Federal Constitution.

At the beginning of 2002, four stoning verdicts were announced: two in Nigeria, one in Sudan and one in Pakistan. All of these were

for charges of adultery. These verdicts were harshly criticised by various quarters. It was pointed out that *rajm* contradicts Article 5 of the UN Declaration of Human Rights and Article 7 of the International Covenant on Civil and Political Rights. *Rajm* has been identified as the inhuman or degrading treatment of a person convicted of adultery. Following international pressure, the Muslim countries have shielded away from carrying out the prescribed punishment.

In Sudan, a Christian Abok Alfa Akok was sentenced to capital punishment by stoning on December 8, 2001 in Darfur. The government of Sudan came under immense pressure from various governments and non-government organisations including the Human Rights Watch. According to the Sudanese Victims of Torture Group (2009), Sudan's Supreme Court has overturned the death by stoning sentence.

In Pakistan, the government introduced the Pakistan Enforcement of *Hudood* Ordinance in 1979. The Ordinance prescribes stoning to death for the offence of *zinā* (adultery) or *zinā bi-al-Jabr* (rape) liable to *ḥadd* either through the confession of the accused or the testimony of four male adult witnesses (Waqar ul-Haq, 1994, p.151). In accordance with this law, Zafran Bibi was sentenced to death by stoning on April 17, 2002. However, she was acquitted by the appellate Federal Shariat Court on June 6, 2002. According to Justice (R) Khalil ur-Rehman Khan, formerly Chief Justice, Punjab, Pakistan, Ombudsman of Pakistan, although the punishment is clearly provided for and prescribed by the law, the execution by stoning was never implemented. The accused may be charged for committing an act of indecent lewdness and would be punished accordingly based on the seriousness of the offence. As such, the convictions were not for the act of *zinā* or rape, but for the lewdness because of insufficient evidence.

In the United Arab Emirates, a 35-year old Indonesian housemaid, Karteen Karikander (Kartini) was sentenced to death by stoning for committing adultery in the Emirate of Fujairah in 2000. She was arrested after the discovery that she was pregnant out of wedlock. Kartini was ashamed and was ready to accept her sentence. Overwhelming international support for her case made her fight the

death sentence. The sentence of stoning to death was later commuted on appeal to one year's imprisonment and deportation.

In Iran, stoning to death was provided for in the Penal Code ratified in 1983. However, due to the enormity of both domestic and international controversy and outcry over stoning in the early years of the Islamic republic, the government placed official moratoriums on the punishment and, as a result, it was rarely practiced. The Iranian judiciary officially placed a moratorium on stoning in 2002, although the punishment remained in the books, and there were a few cases of judges handing down stoning sentences in 2006 and 2007. Finally the judiciary decided to fully scrap *rajm* from the code, a move that is yet to receive the approval of the parliament (AFP, 2008).

Conclusion

To conclude, criminalising adultery and the provision of the severe punishment of stoning to death is legitimate in both Christianity and Islam. For Christianity, this is based on the evidence from the Old Testament and the New Testament as Jesus Christ says with regard to the fulfillment of the Law: "Do not think that I have come to abolish the law or the Prophets; I have not come to abolish them but to fulfill them" (Matt, 5:17). And his saying about adultery, "You have heard that it was said, Do not commit adultery. But I tell you that anyone who looks at a woman lustfully has already committed adultery with her in his heart. If your right eye causes you to sin, gouge it out and throw it away. It is better for you to lose one part of your body than for your whole body to be thrown into hell" (Matt, 5:27-30). This explicit evidence has been discussed and interpreted extensively by the religious clergy and biblical experts throughout the history of Christianity. Most Christians today adhere to the teaching of Paul that the laws of the Old Testament have been abolished.

For Muslims, there is no doubt about the legitimacy of prohibiting adultery and its penalty based on the definite and clear evidence from the practice of the Prophet and as it was understood by the earlier Muslim nations and the majority of Muslim jurists from the different schools of law. This is one of the divinely fixed laws which

cannot ever be changed. However, it must be restated that the law must be observed comprehensively as a whole package, i.e., by taking into account the preventative measures, the extremely high standards of proof, and the whole requirement of the proceedings. It is not fair to focus on the execution of the punishment only and at the same time neglect other requirements.

Nonetheless, as the examples of Iran, Sudan, Pakistan and other Muslim countries show, most of the modern Muslim states around the globe are not serious in implementing the stoning punishment and other strict *ḥudūd* laws. Though *ḥudūd* is provided for in their laws, the educated segment of Muslim societies continues to debate its applicability in contemporary times. The authorities in power are also under pressure from various national and international organisations to scrap the law altogether or to stay away from implementing *ḥudūd* laws. These governments have succumbed to these pressures and have, on various technical grounds, refused to implement the laws. Muslim governments may perhaps follow their Christian counterparts in shelving the *rajm* punishment permanently.

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